

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

IN THE MATTER OF:

Hu's Wear, LLC
t/a Hu's Wear
1132 29th Street NW

Fact Finding
Hearing
[Extended
DCMR 23-405]

Ret. Class CR

License #84908

Thursday,
May 15, 2014

Suite 400S
2000 14TH STREET, N.W.
Washington, D.C. 20009

The above-entitled matter convened at
1:22 p.m., before the District of Columbia
Alcoholic Beverage Regulation Administration
Board.

BEFORE:

RUTHANNE MILLER, Chairman
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

P-R-O-C-E-E-D-I-N-G-S

(1:22 p.m.)

CHAIRPERSON MILLER: Okay. Good afternoon. Welcome to the Agency Board. We have one more member who will be joining us but we can start. Quorum is three. Basically, we've been holding hearings all day today just to get information about what's happening with some licenses that have been in safe keeping for a while.

And, okay, I'm going to identify your case for the record. It's Hu's Wear located at 1132 29th Street, Northwest, License Number 84908 and ANC2E and why don't you introduce yourselves for the record. And did you sign in also?

MR. EDEN: Yes.

CHAIRPERSON MILLER: Oh, you signed in over here?

MR. EDEN: Here.

CHAIRPERSON MILLER: Okay. We just want to make sure we have your name

1 spelled right for the record.

2 MR. EDEN: Okay. I'm Eric Eden.

3 CHAIRPERSON MILLER: Okay.

4 MS. HU ALDABA: I'm Marlene Hu
5 Aldaba.

6 CHAIRPERSON MILLER: Okay. And
7 what's your relation to the license?

8 MR. EDEN: Business. We co-own a
9 couple of stores in Georgetown.

10 CHAIRPERSON MILLER: Okay.

11 MR. EDEN: And, when a moratorium
12 was lifted for seven new applications, we took
13 on a new space at 1132 29th Street under our
14 current business name, Hu's Wear, to open a
15 restaurant. And we've been in the process of
16 preparing for that restaurant opening the past
17 three years now.

18 CHAIRPERSON MILLER: So, right now
19 is the building housing a clothing store?

20 MR. EDEN: No.

21 CHAIRPERSON MILLER: No. It's
22 next to it?

1 MR. EDEN: It's vacant. It's been
2 vacant for three years.

3 CHAIRPERSON MILLER: It's vacant?

4 MR. EDEN: Yes. We've been
5 working on construction documents for the past
6 three years.

7 CHAIRPERSON MILLER: You've been
8 working on construction for three years?
9 What's taken so long?

10 MR. EDEN: Largely, the landlord.
11 He has to upgrade the water service, gas
12 service and electrical panel and it's taken
13 him an extremely long period of time.
14 Fortunately, we're not paying rent. So, it's
15 all waiting for him to complete --

16 CHAIRPERSON MILLER: Oh, okay.

17 MR. EDEN: -- those tasks.

18 CHAIRPERSON MILLER: So, what --

19 MR. EDEN: We have full drawings.
20 I can provide a copy, a lease. We have a chef
21 contract. We're ready to roll. We have a
22 contract with MEP. So, we're just waiting for

1 him to finish his work.

2 CHAIRPERSON MILLER: I'm sorry.

3 MEP, what's that?

4 MR. EDEN: Mechanical, electrical,
5 plumbing engineer.

6 CHAIRPERSON MILLER: You have a
7 contract with them?

8 MR. EDEN: I have a contract with
9 them. I have yet to provide him plans to
10 finish his work. But it's usually a 30-day
11 process once he receives those and, then,
12 we're able to get permits and begin actual
13 construction.

14 As it stands, we've only done a
15 demolition permit and taken down some, you
16 know, drywall and just so we can investigate
17 the building structure, make sure it's sound
18 enough to house a restaurant. And, in fact,
19 it is.

20 According to my landlord, he's
21 applied to WASA to get the water upgrade. He
22 said it's a long process and I think the cold

1 months and the long winter prevent them from
2 doing work on the water main, as I understand
3 it. So --

4 CHAIRPERSON MILLER: So, are you
5 going to open a restaurant, or are you going
6 to bring in a restaurant?

7 MR. EDEN: We're going open it.

8 CHAIRPERSON MILLER: You are?

9 MR. EDEN: We will own it. Yes.

10 CHAIRPERSON MILLER: So, what's
11 your time line do you think?

12 MR. EDEN: Well, if all goes well
13 and he's able to get the water upgrade done
14 and the MEP doesn't run into any big snags, we
15 should be ready for permitting by July 1st
16 and, you know, depending on how DCRA handles
17 this, you know, I guess as few as 90 days
18 before we're able to really begin
19 construction. So, then, a six-month process
20 after that.

21 In the next year we hope to be
22 open. Realistically, I mean we could be as

1 short as nine months but that's pretty
2 aggressive.

3 CHAIRPERSON MILLER: Okay.

4 MR. EDEN: Our funding is in
5 place. We've closed a loan with Navy Federal,
6 which is our banker that's funded both of our
7 other businesses. So, we are really, truly
8 waiting on the landlord.

9 CHAIRPERSON MILLER: So, now, are
10 your other businesses, the Hu's Wear and the
11 --

12 MR. EDEN: One is called Hu's Wear
13 and the other's called Hu's Shoes.

14 CHAIRPERSON MILLER: Okay.

15 MR. EDEN: They're across the
16 street from one another and I share a
17 landlord. We share a landlord for the
18 restaurant and for the clothing store, Hu's
19 Wear.

20 CHAIRPERSON MILLER: Do you have
21 restaurant experience?

22 MR. EDEN: A little. Yes.

1 CHAIRPERSON MILLER: Okay.

2 MR. EDEN: A little. I'll
3 definitely bring in professionals. The chef
4 that I have a contract with is a seasoned
5 veteran. He's currently employed, so I don't
6 know if I should reveal his name. I don't
7 know how public this record becomes. But, you
8 know, he's a big deal.

9 CHAIRPERSON MILLER: Okay.

10 MR. EDEN: He's in no hurry. He's
11 in a very safe position. He manages about 12
12 restaurants, the culinary operations of about
13 12 restaurants.

14 CHAIRPERSON MILLER: Okay. Other
15 questions? Mr. Brooks?

16 MEMBER BROOKS: Yes. Did you make
17 any documents or paperwork that you can share
18 with us?

19 MR. EDEN: Yes, I did. I brought
20 a copy of our lease.

21 MEMBER BROOKS: Okay.

22 MR. EDEN: I brought, just because

1 I didn't want to bog you down with too many
2 details, this is a floor plan for the
3 restaurant.

4 MEMBER BROOKS: Okay.

5 MR. EDEN: And, then, I brought
6 also a copy. In March, we paid the deposit of
7 half of the \$7,000 for the MEP services.

8 MEMBER BROOKS: Good.

9 MR. EDEN: And, then, so long has
10 I can keep his name kind of out of the public
11 record --

12 MEMBER BROOKS: No. Well, I mean
13 --

14 MR. EDEN: -- that's the chef
15 contract.

16 MEMBER ALBERTI: Can you redact?
17 Can you just cross through it?

18 MR. EDEN: Yes. Sure.

19 MEMBER ALBERTI: We're kind of
20 interested in the details.

21 MEMBER BROOKS: Yes.

22 MEMBER ALBERTI: But I mean we

1 don't need dollar figures. We don't need
2 names.

3 MR. EDEN: Okay.

4 MEMBER ALBERTI: We just need to
5 know some of the conditions of the contract.

6 MR. EDEN: Yes.

7 MEMBER ALBERTI: When it extends,
8 when it expires, what's the options, that sort
9 of thing.

10 MR. EDEN: Sure. Got you.

11 MEMBER BROOKS: Stuff like that.

12 MR. EDEN: Yes. The lease is a
13 ten-year lease with two five-year options.

14 MEMBER ALBERTI: Yes. Right. You
15 want to take them?

16 MEMBER BROOKS: Yes, I'll take
17 them.

18 MEMBER ALBERTI: Great.

19 MEMBER BROOKS: All right. Thank
20 you.

21 CHAIRPERSON MILLER: Oh, are there
22 more questions?

1 MEMBER SHORT: Madam Chair?

2 CHAIRPERSON MILLER: Yes,
3 Mr. Short.

4 MEMBER SHORT: The address you
5 have is 1132 29th Street?

6 MR. EDEN: Yes, sir.

7 MEMBER SHORT: Is this a single-
8 story building, a two-story, three stories?

9 MR. EDEN: It's two stories with a
10 basement. We'll occupy the first floor and
11 the entire basement for the lot. The
12 landlord's recently combined two lots, the one
13 that we have our clothing store in as well as
14 the restaurant, so that we can occupy the
15 entire downstairs. It's a big property. It's
16 almost --

17 MEMBER SHORT: Is it vacant now or
18 the --

19 MR. EDEN: Vacant. Yes, it's
20 vacant. It's been vacant for a number of
21 years.

22 MEMBER SHORT: Is there water

1 service now to the building?

2 MR. EDEN: There is a water
3 servicing going to the building. I think it's
4 an inch-and-a-half and we're upgrading to six
5 inches. So, it's a pretty big upgrade. He
6 needs to bring the water service in for
7 sprinklering. He has never sprinkled his
8 building. So --

9 MEMBER SHORT: You have to do a
10 lot to put sprinklers in that building.

11 MR. EDEN: That's very, very true.
12 Yes. Fortunately, that's his responsibility
13 to correct, at least, not mine. So, yes.

14 MEMBER SHORT: Do you have
15 drawings?

16 MR. EDEN: I do.

17 MEMBER SHORT: Architectural
18 drawings?

19 MR. EDEN: Architectural. Yes,
20 sir.

21 CHAIRPERSON MILLER: Yes,
22 Mr. Alberti?

1 MEMBER ALBERTI: Okay. So, take
2 me back through the whole history. How did
3 you acquire the license?

4 MR. EDEN: We applied when the
5 moratorium was lifted for seven new
6 applicants. The landlord had expressed
7 interest in renting some unused space to me
8 for a restaurant project and, so, we quickly
9 got our documents together. I think they
10 were, you know, a letter of intent
11 requirement.

12 Since we had an existing business,
13 we used that business to apply and that's how
14 it started.

15 MEMBER ALBERTI: Okay. So, at the
16 time that you got the license, what did you
17 know about the building? Did you have a lease
18 then?

19 MR. EDEN: We had an LOI. We
20 drafted an LOI but we had not done the lease.

21 MEMBER ALBERTI: What did you know
22 about the building?

1 MR. EDEN: Well, we occupied part
2 of it with our clothing store. At the time,
3 it housed a little book store, which has since
4 left. So, we took that space over and, then,
5 the landlord had, in the basement. It's a
6 family building. They've owned it for 50 plus
7 years and the basement was used as kind of a
8 workshop for his staff.

9 So, it took him about a year just
10 to clear the space out. It had been used for
11 50 years just for storage of paint and pipe
12 cutters. It's kind of raw, but it has the
13 ceiling height, required ceiling heights and
14 --

15 MEMBER ALBERTI: Okay.

16 MR. EDEN: -- should work very
17 well for our needs.

18 MEMBER ALBERTI: I'm curious, why
19 a restaurant?

20 MR. EDEN: Why a restaurant?

21 MEMBER ALBERTI: That's a big
22 change from a clothing store.

1 MR. EDEN: Yes, from clothing.
2 Frankly, we're also a couple and it's more her
3 passion of clothing and mine more the food.
4 So, I helped her build our two businesses the
5 past ten years with the hopes that she would
6 help me build mine.

7 So, I started my career in food
8 marketing in Chicago. Then I worked for an
9 anti-hunger organization here for a number of
10 years, which was culinary focused. And I've
11 always had a, you know, deep appreciation and
12 understanding of the subject.

13 MEMBER ALBERTI: Thank you.

14 CHAIRPERSON MILLER: Other
15 questions? Are you passing down the
16 documents, then, I guess?

17 MEMBER ALBERTI: You want to pass
18 them down?

19 MEMBER SHORT: Yes. I'm sorry.
20 Go ahead.

21 MEMBER ALBERTI: I just want to
22 see what we have put together.

1 CHAIRPERSON MILLER: I have just a
2 question. Did you sign a letter of intent in
3 2010?

4 MR. EDEN: We had a letter of
5 intent. Yes.

6 CHAIRPERSON MILLER: So, they
7 basically were holding the space for you all
8 these years --

9 MR. EDEN: Yes.

10 CHAIRPERSON MILLER: -- while
11 they're renovating and everything?

12 MR. EDEN: Yes. Yes.

13 CHAIRPERSON MILLER: Okay.

14 MR. EDEN: I can't speak for his
15 financial situation but I don't think the rent
16 for this project is as necessary.

17 CHAIRPERSON MILLER: Did they have
18 to go through historic preservation, et
19 cetera?

20 MR. EDEN: We will. Yes.

21 CHAIRPERSON MILLER: Oh, you will?

22 MR. EDEN: I will. Yes. If I do

1 any change to the exterior, I'll have to go
2 through that. Yes.

3 CHAIRPERSON MILLER: Okay. So,
4 they didn't do that?

5 MR. EDEN: He has not.

6 CHAIRPERSON MILLER: Okay.

7 MR. EDEN: To my knowledge,
8 they've never pulled permit.

9 CHAIRPERSON MILLER: Did you say
10 all these years he was doing some major
11 renovation though?

12 MR. EDEN: No. I wouldn't say
13 renovation. No. He just did building upkeep.
14 You know? So, you know, plumbing work to the
15 building. He owns the entire block, excuse
16 me, from 2900 to 3000.

17 CHAIRPERSON MILLER: Okay.

18 MR. EDEN: On the south side of
19 the street. So, he's got a number of
20 businesses that he maintains.

21 CHAIRPERSON MILLER: Is it
22 accurate to say that the building wasn't ready

1 until now for you?

2 MR. EDEN: I would say, yes. It's
3 taken a number of years to get it to this
4 place and it still needs a lot of work.

5 CHAIRPERSON MILLER: Okay.

6 MR. EDEN: I'm still budgeting
7 seven figures for the construction costs.

8 CHAIRPERSON MILLER: Okay. Other
9 questions?

10 MEMBER ALBERTI: So, let's go back
11 to where the landlords. The landlord
12 physically is trying to do what now to the
13 building, what physical changes?

14 MR. EDEN: He's not doing really
15 any physical changes. The way the space is
16 kind of partitioned and laid out, if you look
17 at the --

18 MEMBER ALBERTI: Well, okay. Let
19 me rephrase that. What physical improvements
20 is he doing to the infrastructure here?

21 MR. EDEN: He's upgrading the
22 water service.

1 MEMBER ALBERTI: Okay.

2 MR. EDEN: And, then, he also
3 needs to do that for the gas line. So, I've
4 actually helped on this. We got a survey with
5 a civil engineer on the property of the
6 utility lines and he's, then, got the permit
7 started with WASA.

8 MEMBER ALBERTI: So, he has a
9 permit with WASA?

10 MR. EDEN: Yes. He has a permit
11 with WASA and, then, he needs to spend about
12 25 some odd thousand to do the water upgrade.

13 MEMBER ALBERTI: Okay. Oh, right.
14 So, he's got the permit to have the work done,
15 right?

16 MR. EDEN: Yes.

17 MEMBER ALBERTI: And what else
18 does he need to do?

19 MR. EDEN: Essentially, that's it.
20 The electrical panel in the building seems
21 sufficient according to --

22 MEMBER ALBERTI: Okay. Now,

1 what's he doing with the gas? What's
2 happening with the gas?

3 MR. EDEN: I think the gas line
4 also is corroded and needs to be replaced.
5 But the service itself is strong enough to
6 power a restaurant. It comes in from both
7 sides.

8 MEMBER ALBERTI: So, has he sought
9 permits to have that done?

10 MR. EDEN: I can't speak to that.

11 MEMBER ALBERTI: That would be
12 with DCRA, wouldn't it?

13 MR. EDEN: Honestly, I can't
14 answer that. I don't know where he is on
15 that.

16 MEMBER ALBERTI: All right.
17 Here's the problem.

18 MR. EDEN: Okay.

19 MEMBER ALBERTI: We'd like to know
20 where things are --

21 MR. EDEN: Yes.

22 MEMBER ALBERTI: -- so we have

1 some assurances that it's going to open
2 sometime --

3 MR. EDEN: Yes.

4 MEMBER ALBERTI: -- in the near
5 future. But, if you don't know, I don't know.

6 MR. EDEN: Yes.

7 MEMBER ALBERTI: And that's not
8 very comforting.

9 MR. EDEN: Yes. I understand. I
10 understand your concern.

11 MEMBER ALBERTI: But we'll address
12 that.

13 MR. EDEN: Okay.

14 CHAIRPERSON MILLER: I thought a
15 heard a projection 90 days to nine months or
16 something?

17 MR. EDEN: That's provided the
18 water upgrade happens, which is not, again, in
19 my purview. It's the landlord's
20 responsibility.

21 CHAIRPERSON MILLER: Okay.

22 MR. EDEN: However, I know that he

1 is working on it and has pulled the permit for
2 that or begun permitting that process.

3 CHAIRPERSON MILLER: Oh, okay.

4 MR. EDEN: Which is, you know, the
5 first step.

6 CHAIRPERSON MILLER: Okay. So,
7 I'm just kind of quickly glancing through the
8 documents.

9 MR. EDEN: Yes.

10 CHAIRPERSON MILLER: So, the lease
11 doesn't look like it's signed yet.

12 MR. EDEN: Yes. We have a signed
13 copy but I didn't --

14 CHAIRPERSON MILLER: Oh, okay.

15 MR. EDEN: -- bring a signed copy.
16 Yes. We do have a signed copy.

17 CHAIRPERSON MILLER: You do have a
18 signed copy?

19 MR. EDEN: Yes, we do.

20 CHAIRPERSON MILLER: And when was
21 it signed, about, do you remember?

22 MR. EDEN: We signed it about

1 three weeks ago.

2 CHAIRPERSON MILLER: Okay.

3 MR. EDEN: Yes.

4 CHAIRPERSON MILLER: With the
5 landlord?

6 MR. EDEN: Yes, with Allen.

7 CHAIRPERSON MILLER: How about,
8 then, the contract with the Chef? Is that
9 signed, too?

10 MR. EDEN: That's not yet signed.
11 Yes. Just because the window is so big. We
12 want to make sure. I think he'll be the right
13 guy but we do have that in order, in case we
14 can get our permits done and meet the one-year
15 open date. It's really hard to attract talent
16 like a chef in --

17 CHAIRPERSON MILLER: Right.

18 MR. EDEN: -- a year window. So,
19 he's in a really unusual spot where he's very
20 secure in his job and he can make the
21 commitment a year out.

22 CHAIRPERSON MILLER: Okay. So,

1 you don't have a signed contract, but you're
2 pretty confident that --

3 MR. EDEN: Yes, I am very
4 confident.

5 CHAIRPERSON MILLER: -- he's going
6 to be the chef?

7 MR. EDEN: Yes.

8 CHAIRPERSON MILLER: Okay.

9 MR. EDEN: Yes.

10 CHAIRPERSON MILLER: All right.

11 MEMBER SHORT: I just want to ask
12 you another question.

13 CHAIRPERSON MILLER: Thank you.

14 MEMBER SHORT: You're going to
15 have a commercial kitchen?

16 MR. EDEN: We are.

17 MEMBER SHORT: So, the electrical
18 system coming in now you testified is fine
19 right now, correct?

20 MR. EDEN: As I understand it.

21 I'm no expert but what I was told by the MEP
22 who did the walkthrough was that the, I'm even

1 afraid to say it, three-phase/two-phase, I'm
2 not exactly sure, but the service was
3 sufficient.

4 MEMBER SHORT: Your stove is going
5 to pull 240 amps.

6 MR. EDEN: My what is? Yes.

7 MEMBER SHORT: And you're putting
8 duct system over the --

9 MR. EDEN: We are. Yes. We are
10 installing a duct system.

11 MEMBER SHORT: So, is the
12 electrical system going to be able to handle
13 all of that?

14 MR. EDEN: As far as I understand,
15 it does.

16 MEMBER SHORT: Well, it was a book
17 store before?

18 MR. EDEN: It was a book store and
19 a machine shop in the basement. So, the
20 machine shop, all that equipment --

21 MEMBER SHORT: Okay. Yes, it
22 could have pulled it. Okay. All right.

1 That's all I have.

2 CHAIRPERSON MILLER: That's okay.
3 Any other questions?

4 MEMBER ALBERTI: No. I have some
5 thoughts but no more questions.

6 CHAIRPERSON MILLER: Okay.
7 Mr. Alberti, do you want to express your
8 thoughts?

9 MEMBER ALBERTI: Well, maybe I'll
10 do this in the form of a question.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: How long do you
13 think it would take to get to the point where
14 you are ready to apply for permits to DCRA?

15 MR. EDEN: Well --

16 MEMBER ALBERTI: Let's say two
17 things. I don't know how to judge this but
18 it's really the point where you could begin
19 work?

20 MR. EDEN: I could actually --

21 MEMBER ALBERTI: When the landlord
22 is finished doing his thing and, now, your

1 part triggers, how long?

2 MR. EDEN: We could parallel path
3 it. In fact, I could apply for permits after
4 --

5 MEMBER ALBERTI: Right. I didn't
6 want to use that but right. When do you think
7 you can start your stuff?

8 MR. EDEN: We can start in as few
9 as 30 days. Yes.

10 MEMBER ALBERTI: Well, what about
11 the construction? When do you think you could
12 start construction?

13 MR. EDEN: Legally, in 150 days I
14 would say. One hundred twenty days, roughly,
15 just to be safe.

16 MEMBER ALBERTI: So, within the
17 next six months, you could actually --

18 MR. EDEN: Absolutely, I plan to
19 be in the next three to four.

20 MEMBER ALBERTI: Have at least
21 permits approved, you think?

22 MR. EDEN: I would hope so. Yes.

1 The MEP that we've contracted has done
2 restaurants both in Baltimore and --

3 MEMBER ALBERTI: Your in that
4 process? You can have drawings to DCRA for
5 the rebuilding, if they were approved. But
6 you could have the permit process in play?

7 MR. EDEN: I could have it. Yes,
8 sir. I could. Absolutely.

9 MEMBER ALBERTI: Six months.

10 CHAIRPERSON MILLER: This is a
11 moratorium permit?

12 MEMBER ALBERTI: Yes.

13 CHAIRPERSON MILLER: It's in
14 moratorium?

15 MEMBER ALBERTI: No, it isn't.

16 CHAIRPERSON MILLER: It isn't?

17 MEMBER ALBERTI: It's 405. He
18 never opened. He got one of the licenses and
19 never opened.

20 CHAIRPERSON MILLER: Oh, okay.
21 Okay. So, we've been using increments of six
22 months --

1 MR. EDEN: Okay.

2 CHAIRPERSON MILLER: -- in
3 general, which is based on the regulations, to
4 review the progress --

5 MR. EDEN: Okay.

6 CHAIRPERSON MILLER: -- of these
7 kind of licenses that have been languishing or
8 whatever, however you want to characterize it.
9 So, within six months, do you think you would
10 be in a position to submit permits?

11 MR. EDEN: Yes. And drawings,
12 yes. They were permitted. Yes. I would
13 certainly hope so.

14 MEMBER ALBERTI: At least evidence
15 that the permitting process is underway?

16 CHAIRPERSON MILLER: Yes, whatever
17 --

18 MR. EDEN: At the very least,
19 that.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: All right.

22 CHAIRPERSON MILLER: Whatever

1 documentation that is.

2 MEMBER ALBERTI: You file the
3 applications? You've got plans to DCRA?

4 MR. EDEN: In the next six months,
5 absolutely.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: And, then, at the
9 end of the year, the next benchmark for the
10 end of the year is that all permits are
11 approved and, hopefully, construction had
12 begun. But, at the very least, all permits,
13 every permit --

14 MR. EDEN: Right.

15 MEMBER ALBERTI: -- is approved at
16 the end of the year, meaning you've gone
17 through HPRB. There is no hold ups. I mean
18 this is a tight schedule but you've had it now
19 for four years.

20 MR. EDEN: Yes.

21 MEMBER ALBERTI: Something's got
22 to move.

1 MR. EDEN: I agree. We're at that
2 point.

3 MEMBER ALBERTI: You know, and
4 that's a year from now and you start
5 construction a year from now, we're still
6 looking six months to a year before you open.

7 MR. EDEN: That's true.

8 MEMBER ALBERTI: I don't think
9 it's quite that tight, if you start doing your
10 homework today.

11 MR. EDEN: I agree.

12 CHAIRPERSON MILLER: He hasn't
13 gone through HPRB yet. Is that correct? You
14 said you may need to go through HPRB?

15 MR. EDEN: Historic review?

16 CHAIRPERSON MILLER: Yes, or did
17 you?

18 MR. EDEN: Well, with our other
19 businesses, even signage needs to go through
20 HPRB. So, we have not done that but we will
21 --

22 MEMBER ALBERTI: I just mention,

1 in case you had to. I mean he's starting now
2 with --

3 CHAIRPERSON MILLER: Right.

4 MEMBER ALBERTI: I mean really
5 he's starting with just upgrade to water and
6 upgrade to gas haven't been done. So, the
7 shell is there.

8 MR. EDEN: Right.

9 MEMBER ALBERTI: There's no reason
10 why he can't start with architectural drawings
11 and start the process tomorrow.

12 MR. EDEN: Exactly.

13 MEMBER ALBERTI: I mean the WASA
14 issue and the gas issue do not prevent him
15 from doing that. It's not like, you know,
16 there's an extension that needs to be built by
17 the landlord. I mean --

18 MR. EDEN: Right.

19 MEMBER ALBERTI: So, his part
20 could be, as he said, done in parallel. He
21 could start tomorrow.

22 CHAIRPERSON MILLER: Okay. I just

1 --

2 MEMBER ALBERTI: And I think a
3 year is fair --

4 MR. EDEN: Yes.

5 MEMBER ALBERTI: -- from what I
6 know of just basic construction projects.

7 CHAIRPERSON MILLER: Yes.

8 MEMBER SHORT: And you said you
9 have a signed lease, you just didn't bring it
10 with you? We have a signed lease?

11 MR. EDEN: Yes. Yes, we do.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER SHORT: So, that means you
14 can go start the permits tomorrow.

15 MR. EDEN: Right. Yes.

16 MEMBER SHORT: Nothing holding
17 that up, right?

18 MR. EDEN: Nothing at all.

19 MEMBER SHORT: And you've had it
20 since 2010, the --

21 MR. EDEN: The license?

22 MEMBER SHORT: -- license?

1 MR. EDEN: The liquor license,
2 yes.

3 MEMBER SHORT: Okay.

4 CHAIRPERSON MILLER: Okay. So,
5 within six months, you would be able to submit
6 to us documentation of permitting --

7 MR. EDEN: Absolutely.

8 CHAIRPERSON MILLER: -- correct?
9 Okay.

10 MR. EDEN: And, if not, I'd be
11 happy to surrender the license at that point.
12 It's just good money after bad and I don't
13 really like paying the fees for the license if
14 I'm not going to really use it. So --

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: You're not the
17 first person who's been in that position.

18 MR. EDEN: Yes.

19 CHAIRPERSON MILLER: So, I'd like
20 to ask of you, which we have been asking of
21 others, is to submit within six months that
22 documentation --

1 MR. EDEN: Okay.

2 CHAIRPERSON MILLER: -- and/or a
3 letter updating where you are in the process.

4 MR. EDEN: Absolutely, I can do
5 that.

6 CHAIRPERSON MILLER: Okay. And,
7 Mr. Alberti, what were you saying for one
8 year?

9 MEMBER ALBERTI: Oh, that all
10 permits have been approved. All permits have
11 been approved.

12 CHAIRPERSON MILLER: All permits
13 that he needs have been approved?

14 MEMBER ALBERTI: Some evidence
15 that he either has started or prepared to go
16 start construction.

17 CHAIRPERSON MILLER: Okay. Is
18 that it?

19 MEMBER ALBERTI: So, that, you
20 know, he's got a contract with a contractor to
21 start the construction, something like that.

22 CHAIRPERSON MILLER: So, what's

1 going to happen, you submit something to us in
2 six months as to where you are in the
3 permitting process and we'll let you know if
4 we need to have you come back for a fact
5 finding, if we have questions.

6 MR. EDEN: Okay.

7 CHAIRPERSON MILLER: Okay.

8 MR. EDEN: Okay.

9 CHAIRPERSON MILLER: Do you have
10 any questions?

11 MR. EDEN: How do I submit them?
12 Yes.

13 CHAIRPERSON MILLER: Who should
14 you address it to?

15 MR. EDEN: Yes. To whom do I send
16 them?

17 MEMBER ALBERTI: If you call our
18 general counsel, she'll give you --

19 CHAIRPERSON MILLER: Her name is
20 Martha Jenkins.

21 MR. EDEN: Okay. Great.

22 CHAIRPERSON MILLER: Great. Thank

1 you.

2 MR. EDEN: Thank you very much.

3 CHAIRPERSON MILLER: Okay.

4 [Whereupon, at 1:44 p.m., the fact
5 finding hearing was adjourned]

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